

Reilly, Stephen

From: JBUSHEY@sa18.org
Sent: Friday, September 18, 2015 10:10 AM
To: Reilly, Stephen
Subject: Re: Public Records Request: Brady/Giglio/potential impeachment disclosure list

Dear Mr. Reilly:

Following is the information that you requested in your e-mail of 9/17/2015:

Officer Derek Middendorf, Melbourne Police Department

Date: 9/11/2015

Brady: Officer has internal affairs discipline for violation of camera policy and complaint for excessive force.

Judy F. Bushey

Executive Assistant to

State Attorney Phil Archer

321-637-5575

Jbushey@sa18.org

>>> "Reilly, Stephen" <sreilly@usatoday.com> 9/17/2015 11:07 AM >>>

To whom it may concern:

This is a request for records pursuant to the Florida Public Records Law, Fla. Stat. sec. 119.01 et. seq. I am requesting a copy of the following records:

- The "Brady list," "Giglio list," "potential impeachment disclosure list," or any other record(s) maintained by the State Attorney's Office for the Eighteenth Judicial Circuit setting forth information on all peace officers in your office's jurisdiction whose involvement in a criminal proceeding must be disclosed as potentially exculpatory evidence in accordance with *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 450 U.S. 150 (1972). Where possible, please include all information on these officers as reflected in your list, including: the officer's full name, agency of employment, date of inclusion on the list, and description of the reason for inclusion on the list.

If possible, please provide the responsive records in an electronic format via email to sreilly@usatoday.com.

If there are any fees for searching or copying these records, please inform me before filling this request. If you deny any or all of this request, please cite each exemption you feel justifies the denial and notify me of the appeal procedures available to me under the law.

As you are aware, the only delay permitted in the release of requested records is limited to a reasonable time to allow the custodian of the records to retrieve the records and delete those portions exempt from disclosure. *Tribune Co. v. Cannella*, 458 So. 2d 1075 (Fla. 1984), appeal dismissed, 471 U.S. 1096 (1985); *Michael v. Douglas*, 464 So. 2d 545 (Fla. 1985) (24 hour delay held to violate Chapter 119); see also Op. Att'y Gen. Fla. 81-12 (1981) (city may not require an

examinee to exercise his right to inspect his own examination during a designated or restricted time frame); cf. *Roberts v. News-Press Publ'g Co.*, 409 So. 2d 1089 (Fla. 2d DCA 1982) (rule allowing employee whose record is requested 24-hour notice and the right to be present at inspection is reasonable).

Please do not hesitate to contact me by email or on my cell phone (610-547-0001) at any time if you would like to discuss the request or have any questions.

Sincerely,

Steve Reilly

Steve Reilly

Investigative Reporter and Data Specialist

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Notification to Recipients:

Under Florida law, e-mails created or received by a government agency are public records. Both the message and the e-mail address it was sent from (unless otherwise exempt under Florida law) may be released in response to a public records request. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this office.